

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

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CLERK, U.S. DISTRICT COURT
W.D. OF TENNESSEE
JACKSON, TN

JOYCE SANTANA)
)
Plaintiff,)
)
v.) Case No. 1:05-1212-T/An
)
TYSON FOODS, INC.)
)
Defendant.)

SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates were established as the final dates for:

RULE 26(a)(1) DISCLOSURE DEADLINE: DECEMBER 7, 2005

JOINING PARTIES: DECEMBER 30, 2005

AMENDING PLEADINGS: DECEMBER 30, 2005

COMPLETING ALL DISCOVERY:

- (a) **REQUESTS FOR PRODUCTION, INTERROGATORIES, AND REQUESTS FOR ADMISSIONS: AUGUST 4, 2006**
- (b) **EXPERT DISCLOSURE (Rule 26):**
 - (1) **DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION: JUNE 5, 2006**
 - (2) **DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION: JULY 5, 2006**
 - (3) **SUPPLEMENTATION UNDER RULE 26(e):** 10 days after Defendant's disclosure.

(a) **DEPOSITION OF EXPERTS: AUGUST 4, 2006**

FILING PRETRIAL MOTIONS (INCLUDING MOTIONS FOR SUMMARY JUDGMENT): SEPTEMBER 4, 2006

Any response to a dispositive motion, including a motion for summary judgment, shall be filed within 30 days of the filing of the dispositive motion or by OCTOBER 4, 2006, whichever is earlier.

FINAL LIST OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

(a) **PLAINTIFF: OCTOBER 23, 2006**

(b) **DEFENDANT: NOVEMBER 6, 2006**

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under rule 26(a)(3).

The trial of this matter is expected to last three to four days, and is **SET FOR JURY TRIAL** at 9:30 a.m. on DECEMBER 4, 2006. A joint pretrial order shall be submitted no later than 5:00 p.m. on NOVEMBER 24, 2006. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes

the matter from proceeding to trial.

The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.


S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE
DATE: November 21, 2005

AGREED AND APPROVED FOR ENTRY:

GILBERT & RUSSELL, PLC
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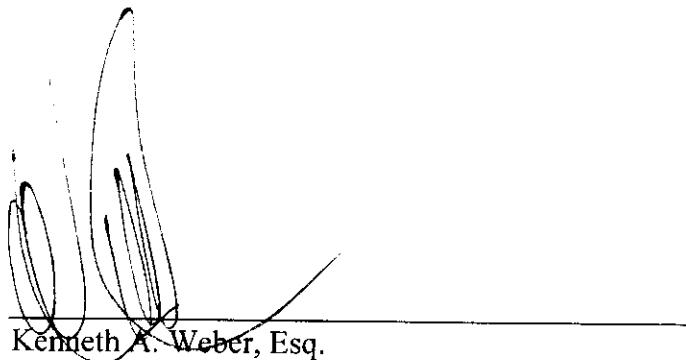
By: Kenneth A. Weber

Attorneys for Defendant

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served on the following counsel of record by First Class U.S. Mail on this 17th day of November, 2005:

Michael L. Russell, Esq.
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Kenneth A. Weber, Esq.



Notice of Distribution

This notice confirms a copy of the document docketed as number 9 in case 1:05-CV-01212 was distributed by fax, mail, or direct printing on November 22, 2005 to the parties listed.

Justin Gilbert
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Honorable James Todd
US DISTRICT COURT